HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE G.V. SEETHAPATHY

W.P. No.15371 of 2005 and
W.P.M.P.No.14854 of 2006

Between:

Sharadanagar Residents Welfare Association,
Sharadanagar, Vanasthalipuram, RR District,
represented by its President S. Venkat Reddy,
Vanasthalipuram. … Petitioner.

And

1. The Prohibition and Excise Superintendent,
   Ranga Reddy District.

2. Prohibition and Excise Inspector,
   Hayathnagar, RR District.

3. B. Narender.

4. M. Ravi Kumar, In charge Commissioner
   L.B. Nagar Municipality, Hyderabad. …
Respondents

Counsel for the petitioner : None.

Counsel for Respondents 1 and 2 : Government Pleader for Prohibition and Excise

Counsel for respondent No.3 : Sri M. Damodar Reddy

Counsel for respondent No.4 : None.

W.P.M.P.No.14854 of 2006:

Between:

B. Narender. …. Petitioner/
3rd respondent
in W.P.

and

1. The Prohibition and Excise Superintendent
   RR District, Hyderabad.

2. The Prohibition and Excise Inspector, Respondents/
   Hayathnagar, RR District. …. Respondents

3. Sharadanagar Residents Welfare Association, …. Respondent/
   Sharadanagar, Vanasthalipuram, RR District, Petitioner in
   represented by its President S. Venkat Reddy, W.P.
   Vanasthalipuram.

:O R D E R:

Counsel for the petitioner : Sri M. Damodar Reddy.

Counsel for Respondents 1 and 2 : Government Pleader for Prohibition and Excise

Counsel for respondent No.3 : None.

3rd July, 2006

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Per G.S. Singhvi, CJ

Today, this case has been listed for consideration of WPMP No.14854 of 2006 filed by B. Narender (respondent No.3 in the writ petition) for issue of a direction to Prohibition and Excise Superintendent, R.R. District, (non-applicant No.1 herein) to refund the entire licence fee collected from him during the excise year 2005-2006 in respect of IL-24 licence granted to him for retail sale of liquor.

Sri M. Damodar Reddy, learned counsel for the applicant submitted that on account of stay order passed by this Court in the writ petition filed by Sharadanagar Residents Welfare Association, his client could not operate the licence and, therefore, non-applicant No.1 may be directed to refund the licence fee amounting to Rs.17,14,599-77 ps.

Learned Government Pleader for Prohibition and Excise pointed out that the applicant has already instituted Writ Petition No.22330 of 2005 for refund of the licence fee for the period during which there was stay on the operation of liquor shop. Simultaneously, she stated that term of the licence granted to the applicant has come to an end on 30-6-2006.

In our opinion, it is not necessary to adjudicate on the prayer

made in the application because the issue relating to refund of licence fee deposited by the applicant is not subject-matter of Writ Petition No.15371 of 2005 filed by Sharadanagar Residents Welfare Association, Shardanagar, Vanasthalipuram, R.R. District against location of liquor shop in Shardanagar Colony, Ward No.8 of L.B. Nagar Municipality. The remedy, if any, available to the applicant to seek refund of the licence fee deposited by him is to amend the pending writ petition filed by him or to file an application before non-applicant No.1 for refund of the amount by contending that he could not operate the licence on account of stay order passed by the High Court.

With the above observation, the application is dismissed.

Since the prayer made in W.P.No.15371 of 2005 filed by Sharadanagar Residents Welfare Association, Sharadanagar, Vanasthalipuram, RR District relates to the licence period 2005-2006 and that period has ended on 30.6.2006, the main writ petition is disposed of as infructuous.

G.S. SINGHVI, CJ

3rd July, 2006

G.V. SEETHAPATHY, J

vtv / svs

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